

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION & ORDER
	:	
SERAFIN B. TERUEL, M.D.,	:	90 MED 381
RESPONDENT.	:	

The parties to this action for the purposes of sec. 227.53, Stats. are:

Serafin B. Teruel, M.D.
3669 Bee Lane
Beloit, Wisconsin 53511

Wisconsin Medical Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Serafin B. Teruel, M.D., the respondent herein, was born on August 19, 1937. His address on file with the Department of Regulation and Licensing is 3669 Bee Lane, Beloit, Wisconsin 53511.
2. At all times relevant to this matter, Dr. Teruel was licensed to practice medicine and surgery pursuant to license number 20329. The Board first issued this license on December 9, 1977. Dr. Teruel was a pathologist until he retired from that area of practice in 1990.
3. Between 1985 and 1988, Dr. Teruel read a series of cervical cytology slides relating to Patient P.R. Dr. Teruel read one slide about every six months.
4. Dr. Teruel reported to Patient P.R.'s gynecologist that his reading of each of the slides he had read was essentially negative. Patient P.R.'s gynecologist had been following her for some time due to concern over P.R.'s

unusually high risk for cervical cancer.

5. Patient P.R. subsequently consulted a second gynecologist because of increased concern over the possibility of cervical cancer. The second gynecologist asked that another pathologist review P.R.'s slides.

6. On December 7, 1988, the second pathologist reported that several of Patient P.R.'s slides showed mild to severe abnormalities.

7. On December 12, 1988, Patient P.R. underwent a radical hysterectomy for treatment cervical squamous carcinoma.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining has jurisdiction over this matter pursuant to sec. 448.02, Stats.

2. The Board has authority to enter into this stipulated resolution pursuant to sec. 227.44(5) Stats.

3. The Findings of Fact set forth in paragraphs four through seven above constitute a violation of Wis. Admin. Code §MED 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulation of the parties is accepted.

IT IS FURTHER ORDERED that the respondent's license to practice medicine and surgery in the state of Wisconsin, license number 20329, is LIMITED in that he may not read or otherwise interpret cytology slides.

IT IS FURTHER ORDERED that, pursuant to sec. 448.02(3), Stats., if the Board determines there is probable cause to believe that Dr. Teruel has violated the aforementioned limitation, the Board may order that his license and registration be suspended summarily pending investigation of the alleged violation.

IT IS FURTHER ORDERED that Dr. Teruel may petition the Board for removal of the aforementioned limitation if he submits proof to the Board that he has attended in its entirety and successfully completed a program known as the Annual Postgraduate Institute for Pathologists in Clinical Cytopathology, which is sponsored by the John Hopkins University School of Medicine.

IT IS FURTHER ORDERED that the decision whether to grant any petition to remove the aforementioned limitation upon Dr. Teruel's license to practice medicine and surgery shall be in the sole discretion of the Medical Examining Board and may not be appealed pursuant to Wis. Admin. Code ch RL 1 or ch 227, Stats.

IT IS FURTHER ORDERED that Dr. Teruel may not apply any continuing medical education credits he earns while attending the John Hopkins Annual


Postgraduate Institute for Pathologists in Clinical Cytopathology toward his obligation under sec. 448.13, Stats. to obtain continuing medical education in each biennium.

IT IS FURTHER ORDERED that, if Dr. Teruel elects to attend the John Hopkins Annual Postgraduate Institute for Pathologists in Clinical Cytopathology, he shall pay all expenses of attending and successfully completing the course.

This Order shall become effective five days following the date of its signing.

Wisconsin Medical Examining Board

By:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
SERAFIN B. TERUEL, M.D.,	:	90 MED 381
RESPONDENT.	:	

It is hereby stipulated between Serafin B. Teruel, M.D., personally on his own behalf and Peter Sammataro, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending Division of Enforcement investigation into Dr. Teruel's conduct as a physician. Dr. Teruel consents to the resolution of this matter by stipulation and without the issuance of a formal complaint.

2. Dr. Teruel is aware of his right to seek legal representation and has had an opportunity to obtain legal advice prior to signing this stipulation.

3. Dr. Teruel understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including:

- The right to a hearing on the allegations against him, at which time the State has the burden of proving those allegations by a preponderance of the evidence, except as to those allegations that took place prior to January 1, 1986 or between July 1, 1989 and August 8, 1989 inclusive, which the State has the burden of proving by clear and convincing evidence;
- The right to confront and cross-examine the witnesses against him;
- The right to call witnesses on his behalf and to compel their attendance by subpoena;
- The right to testify himself;
- The right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- The right to petition for rehearing; and
- All other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

4. Dr. Teruel voluntarily and knowingly waives all of the rights set forth in paragraph three above.
5. Dr. Teruel agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Dr. Teruel waives all rights to any appeal of the Board's order, if adopted in the form as attached.
6. Dr. Teruel understands and agrees that the proposed Final Decision and Order, if adopted by the Board in the form attached, will constitute discipline against his license to practice medicine and surgery in the form of a limitation upon his license.
7. Dr. Teruel voluntarily and knowingly agrees to abide by the terms set forth in the attached Order.
8. Dr. Teruel understands and agrees that, if the Board adopts the final Decision and Order in the form attached, the decision whether to grant any petition to remove the limitation upon his license to practice medicine and surgery shall be in the sole discretion of the Medical Examining Board, and may not be appealed pursuant to Wis. Admin. Code chapter RL 1 or chapter 227 Stats. Dr. Teruel voluntarily and knowingly waives his rights to appeal any decision the Board might make with respect to removing the limitation upon his license.
9. Dr. Teruel understands that, if the Board adopts the attached Final Decision and Order, violation of the Order will constitute a separate basis for disciplinary action by the Board, including summary suspension of his license.
10. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
11. Both parties understand and agree that a previous stipulation which they signed in September, 1995 is void.
12. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Board assigned as an advisor in this case may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

13. The Division of Enforcement joins Dr. Teruel in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

I, Serafin B. Teruel, M.D., the respondent herein, having read this Stipulation and the attached Final Decision and Order, voluntarily and knowingly enter into this Stipulation.



Serafin B. Teruel, M.D.
Respondent

May 28, 1996

Date



Peter Sammataro, Attorney
Division of Enforcement

5-30-96

Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

July 1, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)